

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**BRENHAM NATIONAL BANK,**  
*Plaintiff,*

v.

**CIBANCO, S.A.**  
*Defendant*

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**CIVIL ACTION NO.  
1:25-CV-00263-RP**

**POWERFAM WASHES, LLC'S UNOPPOSED MOTION FOR LEAVE TO AMEND  
MOTION TO INTERVENE**

NOW COME Intervenors Lois and James Kolkhorst d/b/a PowerFam Washes, LLC's ("PowerFam") and file their Unopposed Motion for Leave to Amend. PowerFam respectfully shows as follows:

PowerFam filed its Motion to Intervene on January 6, 2026. In doing so, PowerFam inadvertently failed to attach to its Motion to Intervene its Complaint in Intervention. PowerFam only became aware of this error on January 20, 2026.

In its opposition to PowerFam's Motion to Intervene, CIBanco suggests that PowerFam did not attach the pleading because it "has no claim or defense." Dkt. 64 at 6. That is not the case. Indeed, PowerFam's Motion to Intervene explicitly stated that its Complaint in Intervention was "attached as Exhibit A to this Motion," revealing that the failure to attach it to the filing was inadvertent.

PowerFam respectfully requests that this Court allow it to file an Amended Motion to Intervene that includes the attachment. As this is, essentially, an amended pleading, PowerFam believes that this Motion for Leave should be granted as a matter of right under Federal Rule of Civil Procedure 15.

Attached to this Motion for Leave is Exhibit 1, the Motion to Intervene with Exhibit A, the Complaint in Intervention attached. The only change between this filing and the filing made on January 6, 2026 will be the attachment of the Complaint in Intervention.

On January 21, 2026, counsel for PowerFam conferred with the parties on this Motion. Attorneys for Plaintiff Brenham National Bank and Defendant CIBanco, S.A., have both indicated that they are unopposed to PowerFam's Motion for Leave to Amend.

### **Conclusion**

PowerFam is an indispensable party to the claims in this case. And it believes that dismissing its Motion to Intervene for an inadvertent failure to attach would prejudice its rights. Accordingly, PowerFam respectfully requests the Court grant this Motion for Leave to file an Amended Motion to Intervene and allow PowerFam to file its Complaint in Intervention. PowerFam further requests any additional relief to which it is entitled.

Respectfully submitted,

/s/ David M. Prichard

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**ATTORNEYS FOR  
POWERFAM WASHES, LLC**

**CERTIFICATE OF CONFERENCE**

I hereby certify that on January 21, 2026, correspondence was sent to counsel of record to see if they objected to the relief sought in this motion. Counsel for Brenham National Bank and CIBanco indicated that they were unopposed.

/s/ David M. Prichard

David M. Prichard

**CERTIFICATE OF SERVICE**

I hereby certify that on the **21st day of January 2026**, I have served ***PowerFam Washes, LLC'S Unopposed Motion for Leave to Amend Motion to Intervene*** on all known counsel of record in a manner authorized by the Texas Rule of Civil Procedure.

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